

# House Amendment 1212

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1 1 Amend House File 171, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 14, by inserting after line 27 the  
1 4 following:  
1 5 \_\_\_\_\_. Section 161B.1, subsection 2, Code  
1 6 2003, is amended to read as follows:  
1 7 2. The department of agriculture and land  
1 8 stewardship shall report annually to the senate  
1 9 ~~standing committees committee on energy natura~~  
1 10 resources and environment and the house of  
1 11 representatives standing committee on environmental  
1 12 protection of the house and senate on the projects  
1 13 conducted with the agricultural energy management  
1 14 fund.>  
1 15 #2. Page 19, by inserting after line 16 the  
1 16 following:  
1 17 \_\_\_\_\_. Section 303A.6, subsection 3, Code  
1 18 2003, is amended to read as follows:  
1 19 3. Upon approving a grant, the board shall certify  
1 20 to the treasurer of state the amount of financial  
1 21 assistance payable from the ~~trust grant~~ account to the  
1 22 qualified organization whose grant application is  
1 23 approved.>  
1 24 #3. Page 19, by inserting after line 23 the  
1 25 following:  
1 26 \_\_\_\_\_. Section 307.27, subsection 8, Code  
1 27 2003, is amended to read as follows:  
1 28 8. Administer the registration of interstate  
1 29 ~~commerce commission~~ authority of motor carriers  
1 30 pursuant to chapter 327B as provided in 49 U.S.C. }  
1 31 14504 and United States department of transportation  
1 32 regulations.>  
1 33 #4. Page 20, by inserting after line 25 the  
1 34 following:  
1 35 \_\_\_\_\_. Section 327B.1, subsections 1 through  
1 36 3, Code 2003, are amended to read as follows:  
1 37 1. It is unlawful for a carrier to perform an  
1 38 interstate transportation service for compensation  
1 39 upon the highways of this state without first  
1 40 registering the authority obtained from the ~~interstate~~  
1 41 ~~commerce commission United States department of~~  
1 42 transportation or evidence that such authority is not  
1 43 required with the state department of transportation.  
1 44 2. The department shall participate in the single  
1 45 state insurance registration program for regulated  
1 46 motor carriers as provided in 49 U.S.C. } ~~11506~~ 14504  
1 47 and interstate commerce commission United States  
1 48 department of transportation regulations.  
1 49 3. Registration for carriers transporting  
1 50 commodities exempt from ~~interstate commerce commission~~  
2 1 United States department of transportation regulation  
2 2 shall be granted without hearing upon application and  
2 3 payment of a twenty-five-dollar filing fee and an  
2 4 annual one-dollar fee per vehicle.  
2 5 Sec. \_\_\_\_\_. Section 327B.7, Code 2003, is amended to  
2 6 read as follows:  
2 7 327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE  
2 8 REGISTRATION SYSTEM.  
2 9 The department may enter into a reciprocity  
2 10 agreement on behalf of this state with authorized  
2 11 representatives of other states to become a member of  
2 12 an exempt commodity base state registration system for  
2 13 the registration, insurance verification, and fee  
2 14 collection for carriers hauling commodities exempt  
2 15 from ~~interstate commerce commission United States~~  
2 16 department of transportation authority.  
2 17 Sec. \_\_\_\_\_. Section 327C.22, Code 2003, is amended  
2 18 to read as follows:  
2 19 327C.22 INTERSTATE FREIGHT RATES.  
2 20 The department shall exercise constant diligence to  
2 21 ascertain the rates, charges, rules, and practices of  
2 22 common carriers operating in this state, in relation  
2 23 to the transportation of freight in interstate  
2 24 business. When it shall ascertain from any source or

2 25 have reasonable grounds to believe that the rates  
2 26 charged on such interstate business or the rules or  
2 27 practices in relation thereto discriminate unjustly  
2 28 against any of the citizens, industries, interests, or  
2 29 localities of the state, or place any of them at an  
2 30 unreasonable disadvantage as compared with those of  
2 31 other states, or are in violation of the laws of the  
2 32 United States regulating commerce, or in conflict with  
2 33 the rulings, orders, or regulations of the ~~interstate~~  
2 34 ~~commerce commission surface transportation board~~, the  
2 35 department shall take the necessary steps to prevent  
2 36 the continuance of such rates, rules, or practices.  
2 37 Sec. \_\_\_\_\_. Section 327C.23, Code 2003, is amended  
2 38 to read as follows:  
2 39 327C.23 APPLICATION TO ~~INTERSTATE COMMERCE~~  
2 40 ~~COMMISSION SURFACE TRANSPORTATION BOARD~~.  
2 41 When any common carrier has put in force any rates,  
2 42 rules, or practices in relation to interstate freight  
2 43 business, in violation of the laws of the United  
2 44 States regulating commerce, or of the orders, rules,  
2 45 or regulations of the ~~interstate commerce commission~~  
2 46 ~~surface transportation board~~, or shall unjustly  
2 47 discriminate against any of the citizens, industries,  
2 48 interests, or localities of the state, the department  
2 49 shall present the material facts involved in such  
2 50 violations or discrimination to the ~~interstate~~  
3 1 ~~commerce commission surface transportation board~~ and  
3 2 seek relief therefrom, and, if deemed necessary or  
3 3 expedient, the department shall prosecute any charge  
3 4 growing out of such violation or discrimination, at  
3 5 the expense of the state, before the ~~interstate~~  
3 6 ~~commerce commission surface transportation board~~.  
3 7 Sec. \_\_\_\_\_. Section 327D.67, unnumbered paragraph 2,  
3 8 Code 2003, is amended to read as follows:  
3 9 The form of every schedule shall be prescribed by  
3 10 the department and shall conform, in the case of  
3 11 common carriers, as nearly as may be to the form  
3 12 prescribed by the ~~interstate commerce commission~~  
3 13 ~~United States department of transportation~~.  
3 14 Sec. \_\_\_\_\_. Section 327D.72, Code 2003, is amended  
3 15 to read as follows:  
3 16 327D.72 INTERSTATE COMMERCE SCHEDULES.  
3 17 When schedules and classifications required by the  
3 18 ~~interstate commerce commission United States~~  
3 19 ~~department of transportation~~ contain in whole or in  
3 20 part the information required by the provisions of  
3 21 this chapter, the posting and filing of a copy of such  
3 22 schedules and classifications with the ~~interstate~~  
3 23 ~~commerce commission United States department of~~  
3 24 ~~transportation~~ shall be deemed a compliance with the  
3 25 filing requirements of this chapter insofar as such  
3 26 schedules and classifications contain the information  
3 27 required by this chapter, and any additional or  
3 28 different information may be posted and filed in a  
3 29 supplementary schedule.  
3 30 Sec. \_\_\_\_\_. Section 327D.200, Code 2003, is amended  
3 31 to read as follows:  
3 32 327D.200 INCONSISTENCY WITH FEDERAL LAW ==  
3 33 RAILROADS.  
3 34 If any provision of this chapter is inconsistent or  
3 35 conflicts with federal laws, rules or regulations  
3 36 applicable to railway corporations subject to the  
3 37 jurisdiction of the ~~federal interstate commerce~~  
3 38 ~~commission surface transportation board~~, the  
3 39 department shall suspend the provision, but only to  
3 40 the extent necessary to eliminate the inconsistency or  
3 41 conflict.  
3 42 Sec. \_\_\_\_\_. Section 327D.201, Code 2003, is amended  
3 43 to read as follows:  
3 44 327D.201 RAILROAD INTRASTATE RATES == RULES.  
3 45 The department may issue rules relating to the  
3 46 regulation of railroad intrastate rates,  
3 47 classifications, rules and practices in accordance  
3 48 with the standards and procedures of the ~~federal~~  
3 49 ~~interstate commerce commission surface transportation~~  
3 50 ~~board~~ applicable to rail carriers.  
4 1 Sec. \_\_\_\_\_. Section 327G.61, subsection 2, Code  
4 2 2003, is amended to read as follows:  
4 3 2. "Spur track" means a railroad track located  
4 4 wholly within the state connected to a main or branch  
4 5 line of a railroad and used to originate or terminate

4 6 traffic at one or more industries or a railroad track  
4 7 not subject to the jurisdiction of the ~~interstate~~  
4 8 ~~commerce commission surface transportation board~~. A  
4 9 spur track shall not include a railroad line used to  
4 10 provide line-haul or intercity transportation.  
4 11 Sec. \_\_\_\_\_. Section 327G.78, unnumbered paragraph 1,  
4 12 Code 2003, is amended to read as follows:  
4 13 Subject to sections 327G.77 and 6A.16, when a  
4 14 railroad corporation, its trustee, or its successor in  
4 15 interest has interests in real property adjacent to a  
4 16 railroad right-of-way that are abandoned by order of  
4 17 the ~~interstate commerce commission surface~~  
4 18 ~~transportation board~~, reorganization court, bankruptcy  
4 19 court, or the department, or when a railroad  
4 20 corporation, its trustee, or its successor in interest  
4 21 seeks to sell its interests in that property under any  
4 22 other circumstance, the railroad corporation, its  
4 23 trustee, or its successor in interest shall extend a  
4 24 written offer to sell at a fair market value price to  
4 25 the persons holding leases, licenses, or permits upon  
4 26 those properties, allowing sixty days from the time of  
4 27 receipt for a written response. If a disagreement  
4 28 arises between the parties concerning the price or  
4 29 other terms of the sale transaction, either or both  
4 30 parties may make written application to the department  
4 31 to resolve the disagreement. The application shall be  
4 32 made within sixty days from the time an initial  
4 33 written response is served upon the railroad  
4 34 corporation, trustee, or successor in interest by the  
4 35 person wishing to purchase the property. The  
4 36 department shall notify the department of inspections  
4 37 and appeals which shall hear the controversy and make  
4 38 a final determination of the fair market value of the  
4 39 property and the other terms of the transaction which  
4 40 were in dispute, within ninety days after the  
4 41 application is filed. The determination is subject to  
4 42 review by the department and the department's decision  
4 43 is the final agency action. All correspondence shall  
4 44 be by certified mail.>  
4 45 #5. Page 21, by inserting after line 24, the  
4 46 following:  
4 47 \_\_\_\_\_. Section 384.63, subsection 3, Code  
4 48 2003, is amended to read as follows:  
4 49 3. When a private improvement is constructed on a  
4 50 lot subject to a deficiency, during the period of  
5 1 amortization, the council shall, by resolution, assess  
5 2 a pro rata portion of the deficiency on that lot, in  
5 3 the same proportion to the total deficiency on that  
5 4 lot as the number of future installments of special  
5 5 assessments remaining to be paid is to the total  
5 6 number of installments of assessments for the project,  
5 7 subject to the twenty-five percent limitation of  
5 8 section 384.62. A deficiency assessment becomes a  
5 9 lien on the property and is payable in the same  
5 10 manner, and subject to the same interests as the other  
5 11 special assessments. The council shall direct the  
5 12 clerk to certify a deficiency assessment to the county  
5 13 treasurer, and to send a notice of the deficiency  
5 14 assessment by mail to each owner, as provided in  
5 15 section 384.60, ~~subsection 5~~, but publication of the  
5 16 notice is not required.>  
5 17 #6. Page 21, line 32, by striking the word  
5 18 <annually> and inserting the following: <on July 1 of  
5 19 each fiscal year>.  
5 20 #7. Page 22, by inserting after line 8 the  
5 21 following:  
5 22 \_\_\_\_\_. Section 435.26, subsection 1, paragraph  
5 23 a, Code 2003, is amended to read as follows:  
5 24 a. A mobile home or manufactured home which is  
5 25 located outside a manufactured home community or  
5 26 mobile home park shall be converted to real estate by  
5 27 being placed on a permanent foundation and shall be  
5 28 assessed for real estate taxes. A home, after  
5 29 conversion to real estate, is eligible for the  
5 30 homestead tax credit and the military service tax  
5 31 exemption as provided in sections 425.2 and 426A.11.>  
5 32 #8. Page 27, line 12, by striking the word and  
5 33 figures <504 or 504A> and inserting the following:  
5 34 <504, Code 1989, or chapter 504A>.  
5 35 #9. Page 30, by inserting after line 12, the  
5 36 following:

5 37 \_\_\_\_\_. Section 537.1303, subsection 10, Code  
5 38 2003, is amended to read as follows:  
5 39 10. "Pursuant to a credit card". Section  
5 40 537.1301, subsection ~~17~~ 16.>  
5 41 #10. By renumbering as necessary.  
5 42 HF 171.S  
5 43 lh/cc/26